

IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL

W.P. 313 (S/B) 2003

Shankar Prasad

..... Petitioners

Versus

State of Uttaranchal & five others.

..... Respondents

Sri Manoj Tiwari Advocate for the petitioner.

Learned Chief Standing Counsel for the respondents.

Coram: Hon'ble S.H. Kapadia, C.J.

Hon'ble Rajesh Tandan, J.

Date: 26.08.2003:

PC :-

Petitioner was serving as Assistant Engineer over four years in the Irrigation Division, Kashipur. On 30th June 2001, he was transferred from Kashipur to Rudra Pur. Both Kashipur and Rudrapur come within District Udham Singh Nagar. On 22nd April 2002, three Assistant Engineers including respondent No.6 were nominated for one year's training. Respondent No. 6 was to join at Kashipur after completing his training. In the circumstances, a conditional order was passed by respondent no. No. 2 posting the petitioner at Kashipur from Rudrapur on the express condition that he will be relieved and sent back to Rudrapur, the moment respondent No.6 completes his training and joins at Kashipur. Petitioner does not want to go back to Rudrapur, therefore he has filed this petition. Respondent No.6 has completed his training; therefore, he has to be posted at Kashipur. Hence, petitioner will have to go back to Rudrapur.

There is no merit in the petition.

Before concluding, we may mention that at the fag end, it was argued on behalf of the petitioner that he can not be asked to go to Rudrapur because at Rudrapur one another officer by the name Dinesh Chandra Tamta has been posted as Assistant Engineer. Sri Dinesh Chandra Tamta is not made a party-respondent to this petition. However, by order dated 30th June 2003, Sri Dinesh Chandra Tamta has been relieved from Rudrapur. We were informed that he is posted at Haldwani.

For the above reasons, writ petition is rejected.

(Rajesh Tandon,J.)

(S.H.Kapadia, C.J.)

Msp.